

REMARKS

Claims 1, 2 and 4 through 7 are pending in this Application. Claims 1, 2, 4, 5, 6, and 7 have been amended and claims 3 and 8 cancelled. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure noting that the limitations of claim 3, indicated allowable, have been substantially incorporated into claim 1, and that the limitations of claim 8, indicated allowable, have been substantially incorporated into claim 5. Applicant submits that the present Amendment does not generate any new matter issue.

Claim Objection.

The Examiner objected to claim 7 identifying a perceived grammatical issue. In response claim 7 has been amended to address the issue raised by the Examiner, thereby overcoming the stated basis for the imposed objection. Accordingly, withdrawal of the objection to claim 7 is solicited.

Claims 1 and 4 were rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Song et al.

This rejection is traversed. Indeed, this rejection has been rendered moot by substantially incorporating the limitations of claim 3, indicated allowable, into claim 1. It is not apparent wherein Song et al. disclose or suggest an optical transmitter corresponding to that claimed comprising, *inter alia*, a semiconductor laser diode for emitting light by supplying a bias current and a modulation current, much less a processing unit for maintaining the dispersed light output

from the first dispersion generator to have a predetermined quality by controlling at least one of the bias current and the modulation currents supplied to the semiconductor laser diode.

The above argued differences between the claimed semiconductor laser diode and the device disclosed by Song et al. undermine the factual determination that Song et al. disclose a semiconductor laser diode identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Applicant, therefore, submits that the imposed rejection of claims 1 and 4 under 35 U.S.C. § 102 for lack of novelty as evidenced by Song et al. is not factually viable and, hence, solicits withdrawal thereof.

Claim 5 was rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Ishikawa.

This rejection is traversed. Indeed, this rejection has been rendered moot by substantially incorporating the limitations of claim 8, indicated allowable, into claim 5. It is not apparent wherein Ishikawa discloses or suggests a transmitting station having a semiconductor laser diode for outputting an optical signal by supplying bias and modulation currents, much less the notion of outputting a dispersed light so as to compensate the dispersion of an optical path by controlling one of the bias and modulation currents supplied to the laser diode.

The above argued differences between the claimed system and the system disclosed by Ishikawa undermine the factual determination that Ishikawa discloses an optical transmission system identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, *supra*; *Kloster Speedsteel AB v. Crucible Inc.*, *supra*.

Applicant, therefore, submits that the imposed rejection of claim 5 under 35 U.S.C. § 102 for lack of novelty as evidenced by Ishikawa is not factually viable and, hence, solicits withdrawal thereof.

Claim 2 was rejected under 35 U.S.C. § 103 for obviousness predicated upon Song et al.

Claims 6 and 7 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Ishikawa in view of Song.

Each of the above rejections under 35 U.S.C. § 103 is traversed. Specifically, claim 2 depends from independent claim 1 and claims 6 and 7 depend from independent claim 5. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 102 for lack of novelty as evidenced by Song et al. and the imposed rejection of claim 5 under 35 U.S.C. § 102 for lack of novelty as evidenced by Ishikawa. The Examiner's additional comments with respect to claim 2 do not cure the previously argued deficiencies of Song et al. with respect to independent claim 1. The Examiner's attempted combination of Ishikawa and Song et al. does not cure the previously argued deficiencies of Ishikawa with respect to independent claim 5, noting that Applicant does not agree that the requisite fact-based motivation has been established to combine Ishikawa and Song et al.

Based upon the foregoing Applicant submits that the imposed rejection of claim 2 under 35 U.S.C. § 103 for obviousness predicated upon Song et al. and the imposed rejection of claims 6 and 7 under 35 U.S.C. § 103 for obviousness predicated upon Ishikawa in view of Song et al. are not factually or legally viable and, hence, solicits withdrawal thereof.

Applicant acknowledges, with appreciation, the Examiner's indication that claims 3 and 8 contain allowable subject matter. As previously noted, the limitations of claim 3 have been substantially incorporated into claim 1 and the limitations of claim 8 have been substantially incorporated into claim 5, all remaining claims depending from either claim 1 or claim 5. Accordingly, this Application has been placed in clear condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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